

City Council Agenda

Council President
Lee Brand

Councilmembers

Oliver L. Baines III
Andreas Borgeas
Clinton J. Olivier - Acting President

Sal Quintero
Larry Westerlund
Blong Xiong

City Manager
Mark Scott

City Clerk
Rebecca E. Klisch, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

April 28, 2011

8:30 A.M. ROLL CALL

Invocation by Reverend Vickie Healy of Wesley United Methodist Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Recognition of City Hall RSVP Volunteers – Mayor's Office - **Recognized**

Proclamation of "MORMON HELPING HANDS DAY" – Mayor Office – **Read and presented**

Proclamation of "NATIONAL POLICE WEEK" – Mayor's Office and All Councilmembers - **Read and presented**

Proclamation of "NATIONAL PEACE OFFICERS' MEMORIAL DAY" – Councilmember Westerlund - **Read and presented**

Recognition for outstanding service to our community to Manuel Hernandez & Theresa Milavich through PARCS programming– City Manager's Office - **Recognized**

Proclamation of "MAY IS BIKE MONTH" – Council President Brand - **Read and presented**

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve City of Fresno Cultural Arts Properties (COFCAP) minutes of [April 7, 2011](#)

Action Taken: Approved

Approve Council minutes of [April 14, 2011](#)

Action Taken: Approved

Councilmember Reports and Comments

Action Taken: Made

Approve Agenda

Action Taken: Approved, as amended

Adopt Consent Calendar

Action Taken: Adopted

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time permits.

- A. [Approve agreement for professional consulting services with Coffman Associates, Inc., for the preparation of NEPA and CEQA environmental documentation for runway modifications at Fresno Chandler Executive Airport in the amount of \\$609,580 – Airports Dept.](#)

Action Taken: Approved

- B. * [RESOLUTION – 500th amendment to the MFS Resolution No. 80-420 addressing fee changes and annual routine department revisions – Budget and Management Studies](#)

Action Taken: Discussed and laid over one week

- C. [Authorize acceptance of reallocated funds in the amount of \\$157,800 for fiscal year 2008 State Homeland Security Program. The funds are sub-granted from the State of California Governor's Office of Homeland Security as part of the U.S. Department of Homeland Security's State Grant Program – Police Dept.](#)

Action Taken: Authorized

1. * [RESOLUTION – 88th amendment to the Annual Appropriation Resolution \(AAR\) No. 2010-138 appropriating \\$157,800 for the Fresno Police Department's Homeland Security Grant Program \(Requires 5 affirmative votes\)](#)

Action Taken: Resolution No. 2011-68 adopted

- D. * [RESOLUTION - 83rd amendment to the Annual Appropriation Resolution \(AAR\) No. 2010-138 to re-budget \\$523,000 in the Traffic Congestion Relief Program \(TCRP\) for street maintenance operating programs \(Requires 5 affirmative votes\) – Public Works Dept.](#)

Action Taken: Resolution No. 2011-69 adopted

- E. * [RESOLUTION - 84th amendment to the Annual Appropriation Resolution \(AAR\) No. 2010-138 appropriating \\$54,200 for design costs on new Federal grant capital projects \(Requires 5 affirmative votes\) – Public Works Dept.](#)

Action Taken: Resolution No. 2011-70 adopted

1. **CONSENT CALENDAR CONTINUED**

- F. **RESOLUTION** - Of intention to annex Final Tract 5977, Annexation No. 42, to City of Fresno Community Facilities District No. 11 and to authorize the levy of special taxes **(Property located in District 6) (Northwest corner of International and Chestnut)** – Public Works Dept.
Action Taken: Resolution No. 2011-71 adopted
- G. Consideration of approval of Measure “C” Cooperative Agreement with the Fresno County Transportation Authority for the Willow Avenue widening project from Decatur Avenue to Shepherd Avenue **(Property located in District 6)** – Public Works Dept.
Action Taken: Approved
- H. **RESOLUTION** - Approving the submittal of functional classification changes for local streets and roads to the State of California Department of Transportation **(Property located in District 2)** – Public Works Dept.
Action Taken: Resolution No. 2011-72 adopted
- I. * **RESOLUTION** - 85th amendment to the Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$60,800 in grant funds from CalRecycle (previously the Department of Conservation) for Beverage Container Grant Program for fiscal year 2010 **(Requires 5 affirmative votes)** – Dept of Public Utilities
Action Taken: Resolution No. 2011-73 adopted
- J. * **RESOLUTION** - 89th amendment to the Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$83,400 in grant funds from CalRecycle (previously the California Integrated Waste Management Board) for used oil block grant **(Requires 5 affirmative votes)** – Dept of Public Utilities
Action Taken: Resolution No. 2011-74 adopted
- K. Approve Amendment No. 2 with Vali Cooper & Associates, Inc., in the amount of \$641,700 to perform additional construction management services for the water meter box project– Dept of Public Utilities
Action Taken: Approved
- L. Recommend approval of the following actions relating to the final Clarifier-Weir cleaning and adjustment **(Property located in District 3)** – Dept of Public Utilities
1. Adopt a Finding of Class 1 and 2 Categorical Exemptions, pursuant to Section 15301 (d) (Existing Facilities) and 15302 (c) (Replacement or Reconstruction) of the California Environmental Quality Act Guidelines for the final Clarifier-Weir cleaning and adjustment project
Action Taken: Adopted
 2. Award a contract in the amount of \$143,110 to Western Water Constructors, Inc. of Santa Rosa, California, for the final Clarifier-Weir cleaning and adjustment thereof
Action Taken: Awarded
- M. Recommend approval of the following actions relating to the facility paving at the Fresno/Clovis Regional Wastewater Reclamation Facility **(Property located in District 3)** – Dept of Public Utilities
1. Adopt a Finding of Class 2 and 4 Categorical Exemptions, pursuant to Section 15302(c) (Replacement or Reconstruction) and 14304(f) (Minor Alterations to Land) of the California Environmental Quality Act Guidelines for Regional Wastewater Reclamation Facility paving
Action Taken: Adopted
 2. * **RESOLUTION** - 86th amendment to the Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$104,500 for paving at the Regional Wastewater Reclamation Facility **(Requires 5 affirmative votes)**
Action Taken: Resolution No. 2011-75 adopted
 3. Award a contract in the amount of \$164,390 to Central Valley Asphalt of Lindsay, California, for the paving at the Regional Wastewater Reclamation Facility
Action Taken: Awarded

1. **CONSENT CALENDAR CONTINUED**

- N. Approve the appointments of Sara Hedgepath-Harris and Caroline Hanson to the Mobilehome Rent Review and Stabilization Commission and Rodney Ashley and Susan Ryan (Susan Ryan's appt. effective 07/01/2011) to the Fresno-Madera Area Agency on Aging Board – Mayor's Office
Action Taken: Approved
- O. Approve professional services agreements with Jaroth, Inc., dba Pacific Telemanagement Services (PTS) for provision of public payphone services – Information Services Department
Action Taken: Approved
- P. * **RESOLUTION** – 4th amendment to the fiscal year 2011 Salary Resolution No. 2010-141 adding two (2) classifications and deleting seven (7) classifications in Exhibit 3 Unit 3 - non-supervisory white collar (FCEA) employees – Personnel Services Dept.
Action Taken: Resolution No. 2011-78 adopted
- Q. Approval of an agreement with Clovis Unified School District in the amount of \$1,732.50 for the Parks, After School, Recreation and Community Services Department to conduct the Informal Science Program with the Clovis Unified School District at Valley Oak Elementary School running through June 30, 2011 – PARCS
Action Taken: Approved
1. * **RESOLUTION** – 90th amendment to the Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$1,732.50 in the Parks, After School, Recreation and Community Services Department to conduct the Informal Science Program at Valley Oak Elementary School running through June 30, 2011 (**Requires 5 affirmative votes**).
Action Taken: Resolution No. 2011-76 adopted
- R. Authorize negotiation and entry of a HOME Investment Partnerships (HOME) Program agreement providing funding assistance in the amount of \$250,000 for the Sierra Gateway Senior Residence Phase II project developed by Southern California Presbyterian Homes for the construction of 68-affordable rental housing units located in northwest Fresno (San Jose and Marty Avenues)
Action Taken: Authorized
1. **RESOLUTION** - Committing HOME Program funds in the amount of \$250,000 to the Sierra Gateway Senior Residence Phase II project for the construction of 68-affordable rental housing units – Development and Resource Management Dept.
Action Taken: Resolution No. 2011-77 adopted
- S. Authorize the Director of the Development and Resource Management Department to enter into a cooperative agreement with the County of Fresno not to exceed \$488,000 to provide program implementation services in Fresno County for the Fresno Regional Comprehensive Residential Retrofit Program funded by the California Energy Commission - Development and Resource Management Department
Action Taken: Authorized

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:00 A.M. **GENERAL ADMINISTRATION**

- A. * **RESOLUTION** – 91st amendment to the Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$147,700 to complete previously approved housing rehabilitation projects in the Lowell Neighborhood (**Requires 5 affirmative votes**) – Downtown and Community Revitalization Department
Action Taken: Resolution No. 2011-79 adopted
- B. Consider amending the Fresno Municipal Code relating to establishing a loan program for abandonment of single family residential septic tank and cesspool systems and sewer line installation and connection to the City sewer system – Dept of Public Utilities
1. **BILL - (For introduction)** – Amending Section 6-305 of the Fresno Municipal Code relating to payment of sewer charges and loans
Action Taken: Bill No. B-14 introduced/laid over

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

9:15 A.M.

CITY COUNCIL

- A. **RESOLUTION** – Supporting State legislative efforts to relieve the home mortgage foreclosure crisis in the City of Fresno and State of California – Councilmember Quintero
Action Taken: Resolution No. 2011-80 adopted, as amended

10:00 A.M.

HEARING to consider Plan Amendment Application No. A-10-010, Rezone Application No. R-10-011, and environmental findings, filed by Dirk Poeschel Land Development Services, Inc., on behalf of Wathen-Castanos, pertaining to approximately 4.54 acres of property located on the east side of N. Forkner Avenue between W. Barstow and W. Bullard Avenues. (*Property located in District 2*) – Development and Resource Management Department

Action Taken: Held

- a. Consider and adopt the environmental finding of a Mitigated Negative Declaration prepared for Environmental Assessment No. A-10-010/R-10-011/C-10-235/T-5987
Action Taken: Adopted
- b. **RESOLUTION**—Amending the 2025 Fresno General Plan and Bullard Community Plan to change the planned land use designation for the subject property from the low density residential planned land use designation to the medium density residential planned land use designation
Action Taken: Resolution No. 2011-81 adopted
- c. **BILL**—Amending the Official Zone Map to rezone the subject property from the R-1-EH (*Single Family Residential Estate, minimum lot size of 37,500 square feet—Horses permitted*) and R-1-AH (*Single Family Residential, minimum lot size of 20,000 square feet—Horses permitted*) zone districts to the R-1 (*Single Family Residential*) zone district
Action Taken: Bill No. B-15/Ordinance No. 2011-13 adopted

10:15 A.M.#1

CONTINUED HEARING to adopt a Resolution approving the reversion to acreage of Final Map of Tract 4983, Lots 1 through 53 inclusive (*Property located at the northeast corner of Cornelia Avenue and Dakota Avenue in District 1*) – Public Works Dept. (*Request to continue to May 12, 2011 at 10:00 a.m.*)

Action Taken: Continued as noted

10:15 A.M.#2

JOINT MEETING WITH THE FRESNO REDEVELOPMENT AGENCY

Approve Agency minutes of April 14, 2011

Action Taken: Approved

- A. Recommend approval of the following actions relating to reimbursement of costs incurred within the Airport Area Revitalization Redevelopment Project Area for the installation of public improvements on N. Sierra Vista, N. Maple and E. Pine Avenues: (*Council and Agency action*)
1. **RESOLUTION** - Make certain findings pursuant to Section 33445 of the Community Redevelopment Law, authorizing the Agency's reimbursement of costs incurred within the Airport Area Revitalization Redevelopment Project Area for the installation of public improvements on N. Sierra Vista, N. Maple and E. Pine Avenues
 2. Authorize the Developer Reimbursement (DRA) Agreement between the Redevelopment Agency and Irritec USA, Inc. and authorize the Executive Director to execute the Developer Reimbursement Agreement
Action Taken: Laid over one week

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:15 A.M.#2 JOINT MEETING WITH THE FRESNO REDEVELOPMENT AGENCY CONTINUED

- B. Recommend approval of the following actions relating to reimbursement of costs incurred within the Freeway 99/Golden State Corridor Redevelopment Project Area for the installation of public improvements on W. Clinton and N. Weber Avenues: **(Council and Agency action)**
1. **RESOLUTION** - Make certain findings pursuant to Section 33445 of the Community Redevelopment Law, authorizing the Agency's reimbursement of costs incurred within the Freeway 99/Golden State Corridor Redevelopment Project Area for the installation of public improvements on W. Clinton and N. Weber Avenues
 2. Authorize the Developer Reimbursement Agreement (DRA) between the Redevelopment Agency and Noyan/Frazier Properties LLC and authorize the Executive Director to execute the Developer Reimbursement Agreement
Action Taken: Laid over one week
- C. Receive and Consider an Update Report related to the Governor's Redevelopment Agency (RDA) proposal **(Council and Agency action)**
Action Taken: Received

ADJOURN AGENCY

CLOSED SESSION

- A. **CONFERENCE WITH LEGAL COUNSEL – DECIDING WHETHER TO INITIATE LITIGATION** - Government Code Section 54956.9, Subdivision (c)
1. **Case Name:** Potential litigation against WCK, LLC and William Chong
Action Taken: Held
- B. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
1. **Case Name:** Bombay Corporation, et al. v. City of Fresno
Action Taken: Held
- C. **CONFERENCE WITH LEGAL COUNSEL – DECIDING WHETHER TO INITIATE LITIGATION** - Government Code Section 54956.9, Subdivision (c)
2. **Case Name:** Potential litigation against Darling International, Inc. - Councilmember Baines
Action Taken: Held

PLEASE NOTE: SCHEDULED AND UNSCHEDULED COMMUNICATIONS ARE NOT TIMED AND MAY BE HEARD ANY TIME DURING THE MEETING

SCHEDULED COMMUNICATION –

1. Appearance by Reverend Don Lockhart, CCDC President of the Laurel Homes Project and Challenges, to discuss various issues and concerns relating to a project to assist homeless citizens. – **Not present when called.**

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

SCHEDULED COUNCIL HEARINGS AND MATTERS

May	5 -	8:30 A.M.	(Or thereafter) Request from JHS Family Ltd. Partnership for refund of overpayment on 2011-2011 property tax bills for various properties within the City
May	12 -	8:30 A.M.	Presentation of P.R.I.D.E. Team Certificates Ceremony (<i>Reception immediately following – 2nd floor foyer</i>)
May	12 -	10:00 A.M.	CONTINUED HEARING to adopt a Resolution approving the reversion to acreage of Final Map of Tract 4983, Lots 1 through 53 inclusive (<i>Property located at the northeast corner of Cornelia Avenue and Dakota Avenue in District 1</i>) – Public Works Dept.
May	19 -	MEETING –	9:00 A.M. - ROLL CALL
May	19 -	10:00 A.M.	Mayor's presentation of the fiscal year 2011-2012 Budget
May	19 -	10:45 A.M.	HEARING re: Plan Amendment Application No. A-11-01, Rezone Application No. R-11-01, filed by Joe Guagliardo, of Comprehensive Planning Associates, on behalf of the U.S. Postal Service (Property owner)
May	19 -	1:30 P.M.	TEFRA HEARING to consider information concerning the proposed issuance of revenue bonds by the California Statewide Communities Development Authority to finance the acquisition and rehabilitation of a 60-unit multifamily low income residential rental project, commonly known as Pleasant View Apartments
May	26 -	10:00 A.M.	HEARING re: CFD No. 11, Annexation No. 42, Tract No. 5977 (<i>Property located in District 6</i>)
June	2 -	NO MEETING – MEMORIAL DAY	
June	9 -	MEETING	8:30 A.M.
June	16 -	10:00 A.M.	HEARING re: CFD No. 11, Annexation 43, Tract No. 5838